

Derik Jackson
October 2, 2015

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRACEY WHITE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 14-cv-01490-HEA
)	
THOMAS JACKSON, et al.,)	
)	
Defendants.)	

DEPOSITION OF DERIK JACKSON

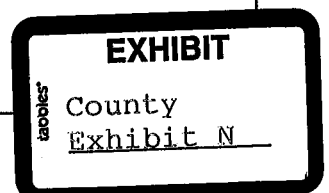
Taken on behalf of the Plaintiffs

October 2, 2015

Reported by: Christine A. LePage, CCR #1000

LePAGE REPORTING SERVICE
1465 Wilkesboro Drive
Dardenne Prairie, Missouri 63368
(314) 616-2113

LePAGE REPORTING
314-616-2113



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1 **Q What did you do during that period?**

2 A After graduating from college I was commissioned
3 as a lieutenant in the United States Army, so I was a
4 reserve officer, I spent approximately two years in
5 training following my graduation from college, or
6 approximately a year in training, and then subsequently I
7 was sent to Iraq in support of OIF.

8 **Q And how long was your tour of duty in Iraq?**

9 A It was nine months, boots on ground.

10 **Q So tell me, where did you graduate from college?**

11 A I have a bachelor's degree in criminal justice
12 from Lincoln University and I also have a master's degree
13 from Webster University here in St. Louis.

14 **Q When did you obtain the master's?**

15 A I obtained the master's this year, May of 2015.

16 **Q And that's in criminal justice as well?**

17 A No, that's in business and organization security
18 management, sir.

19 **Q Okay. Let's go to the evening of August 13,**
20 **2014. Do you recall encountering a young man by the name**
21 **of Dwayne Matthews?**

22 A What was the date again, sir?

23 **Q August 13, 2014.**

24 A Yes, sir.

25 **Q Tell me about your -- what your recollection is.**

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1 A I was assigned as a member of the street
2 enforcement team, we were -- I believe it's like a
3 seven-detectives unit with a detective sergeant, we
4 reported to the command post where our sergeant, you know,
5 responded and got our directions or our orders for that
6 day.

7 Subsequently we were dispatched to the area of
8 Canfield and West Florissant to assist with reinforcing
9 the skirmish line, which entailed officers from various
10 police departments that were in full duty uniform as well
11 as officers from our tactical operation unit who were also
12 in uniform. And the street team at the time, our uniform
13 for the day were -- I was wearing blue jeans, a shirt, a
14 black clad vest with the words "Police" on the front and
15 back, and a back -- excuse me, a neck badge when we
16 arrived to our position.

17 When we got there on West Florissant and
18 Canfield, we were assigned to reinforce the eastern
19 portion of the skirmish line where we encountered a large
20 crowd, or large group of protesters at the time. After,
21 you know, after a period of time the crowd became unruly,
22 began throwing rocks and bottles, and on one occasion a
23 Molotov cocktail. The decision was made, you know, that
24 we were going to give the order to disperse, so the
25 officers were directed to, you know, put on their personal

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1 protective masks at that time.

2 Shortly thereafter we started hearing one of the
3 tactical operations communication personnel over the loud
4 speaker, you know, explaining to the crowd that their
5 assembly had become unlawful due to the projectiles that
6 were thrown, there were several gunshots in the area
7 directed at officers. He continued in this manner in
8 order to allow several of the protesters to leave the
9 area, you know, during this time he was giving them a
10 route of travel, telling them to turn around, travel north
11 on West Florissant, get out of the roadway, you know. And
12 a lot of the peaceful protesters did leave; however, the
13 remaining, you know, the remaining personnel that were
14 there or the individuals that were there were still
15 occupying their position in the roadway, still being
16 unruly, still throwing projectiles, and at that time the
17 tactical operation unit began deploying the smoke
18 canisters in an effort to control the crowd, get the
19 emerging situation under control.

20 Once the smoke canisters were deployed, a lot of
21 the individuals that were in the roadway, they, you know,
22 retreated out of the, you know, out of the cloud, they ran
23 north, but maintained -- they just fractioned off and
24 maintained small pockets of maybe, you know, 10 to 20
25 people, you know, on each side of the street, and

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1 sometimes in the roadway.

2 During this time we began to advance northward
3 up West Florissant in order to bring the situation under
4 control. During our advance, you know, we were paying
5 attention to the pockets of individuals that are in the
6 street that are throwing the bottles. At this time I was
7 in possession of a less-lethal shotgun, and my job was to
8 look for those individuals that were throwing projectiles,
9 you know, in order to identify them and allow other
10 officers on the line to be aware, to be alert to the
11 situation.

12 As we advanced up to West Florissant, we came to
13 the area of I believe it was Highmont, the intersection
14 of -- near the intersection of Highmont and West
15 Florissant. During this time, as I'm watching the crowd,
16 I observed a black male separate from the crowd, he begins
17 running on the east side of West Florissant south towards
18 our position, so appears to be charging at us. And at
19 that time Officer Joseph Patterson, who's directly next to
20 me, you know, he also sees the same thing, so he starts
21 to, you know, he starts to put his hand up in a manner and
22 tell the individual to stop.

23 At the time, the only thing that I really -- as
24 far as the physical description of the subject, noticed
25 his long hair, approximately shoulder length, and noticed

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1 red on his shirt. And as he continued to -- as he came
2 closer, myself and Officer Patterson, the skirmish line
3 also noticed him, so they kind of stopped in order to
4 allow us time to communicate or to deal with the subject.
5 So we moved out approximately, you know, ten feet in front
6 of the skirmish line in order to be able to communicate
7 with Mr. Matthews, who we later identified the subject to
8 be.

9 As we moved forward to, you know, communicate
10 with him, Officer Patterson, you know, advised him to
11 stop. Officer Patterson took off his -- took off his mask
12 and gave him loud, clear, verbal commands to turn around
13 and go the other way. Mr. Patterson replied saying that
14 he was going home. The two continued --

15 MR. HUGHES: Mr. who replied?

16 A Excuse me, not Mr. Patterson, but Mr. Matthews
17 replied that he was going home, and they continued in
18 conversation. As he -- I could see Officer Patterson, you
19 know, giving him directions to turn around and leave the
20 area, and it was apparent that Mr. Matthews wasn't
21 complying.

22 So Officer Patterson advised him that he was
23 under arrest, at which time he began to charge towards the
24 officers. Fearing that assault was imminent, myself and
25 fellow officers, I announced my intentions to deploy the

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1 less-lethal munition by shouting, "Less lethal, less
2 lethal, less lethal," and striking Mr. Matthews
3 approximately three times prior to him going into the
4 culvert that ran -- or the ditch that ran parallel with
5 West Florissant.

6 At that time officers from the street team, they
7 went to apprehend him, and the skirmish line moved past
8 the position where they were apprehending Mr. Matthews in
9 order to allow them to safely effect the arrest without
10 intervention from the rest of the crowd.

11 Q (by Mr. Lattimer) So as I understand it now,
12 you're in plain clothes with a police vest and a shotgun;
13 is that right?

14 A With a neck badge clearly identifying me as a
15 police officer.

16 Q You had on jeans, plaid shirt, plain clothes,
17 right?

18 A Yes, sir.

19 Q A vest, right?

20 A Yes, sir.

21 Q A neck badge, you say, right?

22 A Yes, sir.

23 Q And a shotgun?

24 A Less-lethal shotgun, yes, sir.

25 Q I take it you got your department issued weapon

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1 A I'm not sure where he was coming from, sir, so I
2 would say that my knowledge of his previous movements or
3 whereabouts prior to my contact with him were beyond -- is
4 beyond my knowledge.

5 Q Uh-huh. But on the street and nobody there but
6 him and the police, how about that, is that consistent or
7 inconsistent with your recollection?

8 A That's inconsistent, sir.

9 Q Who else was there?

10 A I don't know the identities of the individuals
11 that were in the middle of the street as we advanced
12 forward, sir, but there were several subjects that were
13 still actively showing aggression.

14 Q Within how many feet of you?

15 A At the time where I was at on the skirmish line?

16 Q At the time you fired.

17 A They could have been, you know, 50 to 100 to
18 200 feet, because they kept -- as we advanced they kept --
19 kept retreating.

20 Q Now, you do realize that 200 feet is two-thirds
21 of a football field?

22 A So we're saying that's what, like 60 yards?

23 Q 62 yards, right.

24 A It's pretty consistent, I mean, it could have
25 been 50 yards.

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1 **Q In a use of force situation, aren't shell**
2 **casings supposed to be recovered?**

3 A This would be my first time having a use of
4 force where I fired a less lethal or a lethal, and I'm not
5 familiar with the use of force review practices of our
6 department.

7 **Q Fair enough. So in any event, you did not**
8 **recover them; is that correct?**

9 A No, sir.

10 **Q All right. Now, why did you fire your weapon at**
11 **Mr. Matthews?**

12 A He refused to comply with the orders of
13 Detective Patterson at the time to turn around, he was
14 part of a, you know, failure to disperse, we -- he was
15 advised by Officer Patterson that he was under arrest
16 because of his failure to comply with officers orders, he
17 clenched his fists and ran towards officers and ran
18 towards the skirmish line which made me fear, you know,
19 that an assault was imminent by Mr. Matthews of either
20 myself or officers on the skirmish line.

21 **Q So you saw his hands?**

22 A Yes, sir.

23 **Q And you saw he had no weapon in his hands?**

24 A I didn't see what was in his hands, I just know
25 they were clenched.